

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
WESTERN DIVISION

Cody Prudente, as Personal Representative) Civil No: 1:22-cv-00024
of the Estate of John Prudente, Jr.,)
deceased,) **AFFIDAVIT OF DAVID RAUGUST**
)
Sandra Prudente, and)
)
John Prudente, Sr.,)
)
Plaintiffs,)
)
v.)
)
Mary Hamilton, individually and in her)
official capacity as a City of Mandan)
Police Officer,)
)
Joshua Scherr, individually and in his)
official capacity as a City of Mandan)
Police Officer,)
)
Dominic Hanson, individually and in his)
official capacity as a City of Mandan)
Police Officer,)
)
Peter Czapiewski, individually and in his)
official capacity as a Lieutenant of City of)
Mandan Police,)
)
David Raugust, individually and in his)
official capacity as a Sergeant of City of)
Mandan Police, and)
)
City of Mandan,)
)
Defendants.)

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF MORTON)

The undersigned, herein being duly sworn and deposed, states the following:

[1] My name is David Raugust, and I am a defendant in the above-entitled case. As such, I have personal knowledge of the information contained in this affidavit.

[2] At all relevant times, I was a police officer employed by the City of Mandan.

[3] On February 8, 2020, at approximately 4:45 p.m. hours, I was nearing the end of my patrol shift. Officer Hamilton had radioed that she was stopping a vehicle. During the radio traffic put out by Officer Hamilton, she was notified by dispatch that Prudente had a warrant for his arrest. I decided to head to her location and assist. All appeared okay upon my arrival. Me and Officer Hamilton approached Prudente's vehicle.

[4] Officer Hamilton informed Prudente of the warrant and he became upset and started yelling. I went to open the passenger door and Prudente grabbed the shifter in his vehicle, put it in drive, and drove off. Officer Hamilton radioed that Prudente had fled the stop.

[5] Prudente did not flee far. Officer Hamilton and I were able to catch up. As I pulled up, Prudente began yelling at me. As Prudente was trying to enter a residence (it was unknown to me at this time whose residence it was), I instructed him to stop. I pulled out his taser and aimed it at Prudente. I continued to yell and Prudente took off running. I gave chase and ran after him, eventually deploying my taser. I believed I missed, and the taser had no effect. I then continued to chase Prudente.

[6] I attempted to gain control of Prudente and bring him to the ground. Prudente poked me in the eye and dislodged a contact. Prudente also bit my arm. I was able to pull my arm out of his mouth and Prudente spun into me while continuing to claw at me and fight. We continued to stumble. As the wrestling continued, I could hear Officer Hamilton giving commands and trying to gain control.

[7] As more officers arrived, we were able to try and gain control of Prudente. John Sr began yelling at Prudente to stop fighting. The officers were able to handcuff him as he continued to yell and scream. I was unable to understand Prudente.

[8] I then got up and grabbed several items that were torn off my uniform. I then noticed that Prudente became quiet and was turning purple in his face. Officers then dispatched the ambulance and Prudente's handcuffs were removed and life saving measures began.

[9] On February 8, 2020, the Mandan Police Department contacted the North Dakota Bureau of Investigations (hereinafter "BCI") to conduct an independent and unbiased excessive force investigation. I was placed on administrative duties during the investigation of the cause of death.

[10] The results of the autopsy concluded the death of Prudente was due to Excited Delirium as a result of methamphetamine use and underlying diagnoses. There was no evidence from the autopsy of excessive use of force. I was then returned to full duty.

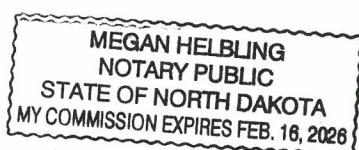
FURTHER AFFIANT SAYETH NOT.

Dated this 3rd day of August 2023.



David Raugust, Defendant

Subscribed and sworn before me this 3rd day of August 2023.



Megan Helbling
Notary Public